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Please Reply to Newark

October 27, 2014

VIA ELECTRONIC FILING

Hon. Katharine S. Hayden

United States District Court Judge

Frank R. Lautenberg U.S. P.O. & Courthouse

Building, Room 311

Newark, New Jersey 07102

Re: American BD Company v. Local 863 I.B. of T. Pension Plan

Docket No.: 2:13-cv-3699-KSH-CLW

Dear Judge Hayden:

On behalf of the Defendant, the Teamsters' Local 863 Pension Fund ("Fund"), we submit this letter in response to the Court's October 20, 2014 Order.

As to the status of the appeal in *Board of Trustees, IBT Local 863 Pension Fund v. C&S Wholesale Grocers*, No. 14-1956 and 14-1957, pending in the Third Circuit, briefing is continuing. The final brief in the matter is due October 31, 2014. That court's scheduling clerk has just reached out to counsel to determine their availability for the week of January 12, 2015, suggesting the case will be either argued or submitted without argument sometime that week.

As to the second inquiry about whether the dispositive motions before Your Honor (ECF Nos. 18 & 19) should be decided or administratively terminated, the Fund respectfully submits that the motions should be administratively terminated pending the ruling in the *C&S* matter by the Court of Appeals.

Respectfully submitted,

/s/ Kenneth I. Nowak
Kenneth I. Nowak

cc: Robert E. Levy, Esq., Scarinci & Hollenbeck
(via ECF)

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